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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/833,496 | 04/11/2001 | Samuel H. Gellman | 09820.149 | 4334 |

25005 7590 03/08/2005
DEWITT ROSS & STEVENS S.C.
8000 EXCELSIOR DR
SUITE 401
MADISON, WI 53717-1914

EXAMINER

CELSA, BENNETT M

| ART UNIT | PAPER NUMBER |
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1639

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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| EXAMINER |
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| ART UNIT | PAPER |
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20050217

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice To Comply With Sequence Rules : NON_BONAFIDE ATTEMPT LETTER:

The computer readable form (CRF) dated 4/17/03 does not comply with the sequence rules for the reasons recited on the attached "CRF PROBLEM REPORT". Applicant must comply with sequence rules before the application will be examined under 35 USC 131-132.

This is applicant's third attempt to comply, in response to prior NOTICE TO COMPLY and BONAFIDE ATTEMPT letters previously sent by the PTO.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules under 37 CFR 1.821-25. Failure to comply with the sequence rules will result in ABANDONMENT of the application under 37 CFR 1.821(g). THERE ARE NO EXTENSIONS OF TIME AVAILABLE.

Direct the reply to the undersigned. Applicant is requested to return a copy of the attached NOTICE TO COMPLY and CRF PROBLEM REPORT with the reply.

ATTACHMENT: NOTICE TO COMPLY ... SEQUENCE DISCLOSURES AND CRF PROBLEM REPORT

Future Correspondences

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Celsa whose telephone number is 571-272-0807. The examiner can normally be reached on 8-5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bennett Celsa
Primary Examiner
Art Unit: 1639

February 17, 2005

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1.114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ Other:
Applicant Must Provide:
- ☒ A **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ A **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

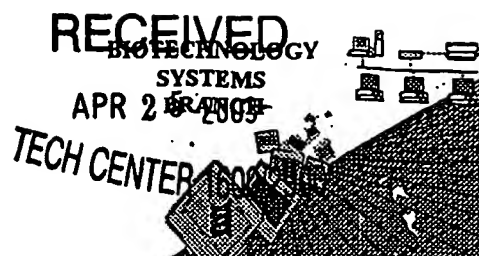
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1600

CRF Problem Report



The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/833,496A
Filing Date: 04/11/2001
Date Processed by STIC: 4/22/03

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

- ☐ (circle one) Damaged or Unreadable (for Unreadable, see attached)
- ☐ Blank (no files on CRF) (see attached)
- ☐ Empty file (filename present, but no bytes in file) (see attached)
- ☐ Virus-infected. Virus name: _____ The STIC will not process the CRF.
- ☐ Not saved in ASCII text
- ☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.
- ☒ Did not contain a Sequence Listing. (see attached sample)
- ☐ Other: _____

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<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
EFFECTIVE MAY 1, 2003 (via USPS): Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry directly to:
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Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
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4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office,
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 04/01/2003